

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 7
)	
THE WORTH COLLECTION, LTD.,)	Case No. 20-10337 (BLS)
)	
)	Hearing Date: September 29, 2021 at 9:15 a.m. ET
Debtor.)	Obj. Deadline: September 3, 2021 at 4:00 p.m. ET

**MOTION OF CHAPTER 7 TRUSTEE FOR ENTRY OF AN ORDER GRANTING
ADDITIONAL TIME TO FILE SCHEDULES AND STATEMENTS**

Douglas T. Tabachnik, the chapter 7 trustee appointed to administer the above-captioned bankruptcy case (the “*Trustee*”), hereby submits this motion (the “*Motion*”) for entry of an order, substantially in the form attached hereto as **Exhibit A**, granting him additional time to file the Schedules and Statements (defined below) of the above captioned debtor (the “*Debtor*”). In support of this Motion, the Trustee respectfully states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the District of Delaware, dated February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b), and pursuant to Local Rule 9013-1(f), the Trustee consents to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are found in sections 105 and 521(a) of title 11 of the United States Code (the “*Bankruptcy Code*”), Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”), and Rule 1007-1(b) of the Local Rules

of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “*Local Rules*”).

BACKGROUND

4. On February 14, 2020 (the “*Petition Date*”), an involuntary petition was filed against the Debtor under chapter 7 of the Bankruptcy Code, thereby commencing the above-captioned bankruptcy case (this “*Case*”). Docket No. 1 (the “*Petition*”). On March 24, 2021, this Court entered the Order for Relief, thereby allowing this Case to proceed. *See* Docket No. 53.

5. On June 23, 2021, this Court entered an order appointing the Trustee as the permanent trustee to administer this Case. *See* Docket No. 87.

RELIEF REQUESTED

6. Pursuant to section 521(a) of the Bankruptcy Code, a debtor must file with the applicable court a schedule of all assets and liabilities, a schedule of current income and expenditures, and a statement of financial affairs (collectively, the “*Schedules and Statements*”). Pursuant to Bankruptcy Rule 1007(c), the deadline for the Debtor to file its Schedules and Statements was April 7, 2021, well before the Trustee was appointed to administer this Case.¹

7. As of the date hereof, the Debtor has yet to file its Schedules and Statements. The Trustee has made demands upon the Debtor’s counsel to file the Schedules and Statements.

8. The Debtor’s counsel have informed the Trustee that they no longer have a client representative and are unable to complete the Schedules and Statements, and as such, the Trustee has since taken this duty upon himself.

¹ On March 26, 2021, this Court entered a notice of petition deficiency [Docket No. 55] (the “*Deficiency Notice*”) ordering the Debtor to file, amongst other things, the Schedules and Statements and a creditor matrix. Pursuant to the Deficiency Notice, the deadline for the Debtor to file its Schedules and Statements was April 9, 2021.

9. The Debtor is in the process of turning over financial information to the Trustee to be used to complete the Schedules and Statements as well as to be used generally to investigate the Debtors' business and financial affairs. The Trustee will need time to review the financial information being produced and to draft the Schedules and Statements.

10. By this Motion, the Trustee seeks entry of an order, pursuant to Bankruptcy Rule 1007(c), Local Rule 1007-2(b), and section 105(a) of the Bankruptcy Code, extending the deadline for him to file the Schedules and Statements to October 1, 2021.

11. The Trustee believes that he will be able to complete the Schedules and Statements on or before October 1, 2021, however, the Trustee requests that such extension be without prejudice to his right to seek further extensions of this deadline from the Court.

12. The Trustee submits that the relief requested herein should not prejudice any party in interest. The Trustee intends to work cooperatively with the Office of the United States Trustee for the District of Delaware (the "UST") and the Debtor to provide access to relevant information regarding the Debtor's business and financial affairs. Additionally, the Trustee anticipates that he will be able to file the Schedules and Statements before the Section 341 Meeting of Creditors resumes, so that the UST and other interested parties will have a chance to review them in advance of the meeting.

13. Moreover, this Court has granted the relief requested in this Motion under similar circumstances. *See In re Forever 21, Inc., et al.*, Case No. 19-12122 (KG) [D.I. 331] (Bankr. D. Del. Oct. 28, 2019); *see also In re Fred's Inc., et al.*, Case No. 19-11984 (CSS) [D.I. 53] (Bankr. D. Del. Sept. 10, 2019); *In re THG Holdings LLC*, Case No. 19-11689 (JTD) [D.I. 190] (Bankr. D. Del. Aug. 26, 2019); *In re Z Gallerie, LLC*, Case No. 19-10488 (KBO) [D.I. 189] (Bankr. D. Del. Apr. 9, 2019).

TRUSTEE'S RESERVATION OF RIGHTS

14. Nothing contained herein is intended or should be construed as an admission of the validity of any claim against the Debtor or a waiver of any of the Trustee's powers and rights granted under the Bankruptcy Code. The Trustee expressly reserves his rights to contest any assertion to the contrary and any objection to the relief sought in this Motion under any grounds available to the Trustee in accordance with applicable non-bankruptcy law.

NOTICE AND NO PRIOR REQUEST

15. No prior motion for the relief requested herein has been made to this or any other court.

16. Notice of this Motion has been given to (a) the UST; (b) counsel to the Debtor; and (c) all parties that have requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, the Trustee respectfully submits that no further notice is necessary.

CONCLUSION

WHEREFORE, the Trustee respectfully requests the entry of an order (i) extending the deadline for him to file the Debtor's Schedules and Statements to October 1, 2021 and (ii) granting such other and further relief as the Court deems appropriate.

Dated: August 20, 2021
Wilmington, Delaware

Respectfully submitted,

GOLDSTEIN & MCCLINTOCK LLP

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